

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TOTAL QUALITY LOGISTICS,
LLC,
Plaintiff

Case No. 1:11-cv-183
Spiegel, J.
Litkovitz, M.J.

vs.

TW TRANSPORTATION
SOLUTIONS, LLC,
Defendant

**REPORT AND
RECOMMENDATION**

This matter is before the Court on the Affidavit of J. Allen Jones, III, counsel for plaintiff, in support of plaintiff's request for an award of reasonable expenses, including attorney fees, incurred in connection with plaintiff's motion to compel. (Doc. 19). The Court granted the motion on November 29, 2011. (Doc. 18). Plaintiff seeks fees totaling \$1,643.75 for five hours of service performed by Attorney Jones at the hourly rate of \$325.00 and for .25 hours of service performed by paralegal Kelly Justice at the hourly rate of \$190.00.¹ Attorney Jones states in the affidavit that these were the usual and customary billing rates in effect at the firm of Benesch, Friedlander, Coplan and Aronoff LLP, during the relevant time period. (Doc. 19, at ¶ 5). Counsel has submitted time records showing the services performed in connection with the motion to compel. (*Id.*, Exh. 1). Defendant has not filed a response to the affidavit.

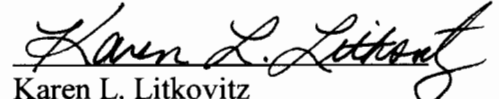
Pursuant to Fed. R. Civ. P. 37(a)(5), defendant must pay plaintiff's "reasonable expenses incurred in making the motion [to compel], including attorney's fees." The Court finds the fees incurred to be reasonable.

¹The actual total amount plaintiff seeks is slightly less than the number of hours of service rendered by Jones and Justice multiplied by their respective hourly rates, which yields a total of \$1672.50.

IT IS THEREFORE RECOMMENDED THAT:

Defendant be ordered to pay plaintiff the sum of **\$1,643.75** for expenses incurred in connection with plaintiff's motion to compel.

Date: 1/3/2012


Karen L. Litkovitz
United States Magistrate Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

TOTAL QUALITY LOGISTICS,
LLC,
Plaintiff

Case No. 1:11-cv-183
Spiegel, J.
Litkovitz, M.J.

vs.

TW TRANSPORTATION
SOLUTIONS, LLC,
Defendant

**REPORT AND
RECOMMENDATION**

NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).